THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18915 OF 2006

ORAL ORDER:

This writ petition is filed seeking a direction to the 1st respondent-Deputy Commissioner of Prohibition and Excise, Hyderabad, to release the Auto bearing No.A P 28-U-9303, pending confiscation proceedings.

It is stated that the vehicle in question was seized by the Sub-Inspector of Prohibition & Excise, Kachiguda, on 13.2.2006 on the allegation that the passenger was carrying contraband article i.e., toddy. It is further stated that from February, 2002 onwards, no further steps were taken by the respondents, and though the petitioner made a request for grant of interim custody, the 1st respondent failed to consider the same.

Though no counter-affidavit is filed on behalf of the respondents, the learned Government Pleader for Prohibition & Excise, under instructions, stated that since the allegation was that toddy found in the vehicle in question was adulterated with diazepam, the offence is required to be tried by the Court constituted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the Act") and, therefore, the vehicle in question was produced before the Court constituted under the said Act.

In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner to move an appropriate application before the special Court constituted under the Act seeking interim custody of the vehicle in question. If such an application is made, the same shall be considered and appropriate orders be passed in accordance with law within two weeks from the date of filing of the application. No costs.

(G. ROHINI, J.)

18th October, 2006.
Issue CC by tomorrow.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18915 OF 2006

18th October, 2006.

Between:

K. Das. .. Petitioner.

And

The Deputy Commissioner of Prohibition and Excise,
Hyderabad Division, Opp: Exhibition Ground,
J.N. Road at Nampally, Hyderabad and another. ..
Respondents.